

## The Honorable Ricardo Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RUSSEL H. DAWSON, Personal  
Representative of the Estate of Damaris  
Rodriguez; REYNALDO GIL; JOSE MARTE;  
A.R.; I.R.; S.R.; D.R,

Plaintiffs,

SOUTH CORRECTIONAL ENTITY ("SCORE"), a Governmental Administrative Agency; PENNY BARLEY; JIM KELLY; TODD BARKER; BRITTNEY PALMORE; BRANDON HEATH; PEDRO SANTOS; MANDI JARAMILLO; WILLIAM WOO; BENDA SCOTT a/k/a BRENDA SCOTT; ETHAN GLOVER; CHRISTOPHER FOY; JANE DORE; COLMINTON ALLEN; AARON SEIPP; SCORE JOHN DOES 1-10; NAPHCARE, INC., an Alabama Corporation; REBECCA VILLACORTA; HENRY TAMBE; NANCY WHITNEY; BILLIE STOCKTON; BRITTANY MARTIN; JESSICA LOTHROP; BROOKE, WALLACE; SALLY MUKWANA; JOAN KOSANKE; RITA WHITMAN; VIRGINIA RICHARDSON; NAPHCARE JOHN DOES 1-10; KING COUNTY, a political subdivision of the State of Washington; RAUL ADAMS; LELAND ADAMS; ALAN TAG.

## Defendants.

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1 I, HEIDI L. MANDT, do hereby declare and state:

2 1. I am the attorney representing defendants NaphCare, Inc., Rebecca Villacorta,  
3 Henry Tambe, Nancy Whitney, Billie Stockton, Brittany Martin, Brooke Wallace, Sally  
4 Mukwana, Joan Kosanke, and Rita Whitman (collectively referred to as “the NaphCare  
5 defendants” unless otherwise specified) in the above referenced matter. I make this declaration  
6 based upon my own personal knowledge and in support of the NaphCare defendants’ Motion  
7 for a Judicial Settlement Conference.

8 2. It is my belief, and the belief of the NaphCare defendants, that resolving this  
9 litigation is in the best interests of all parties. In fact, NaphCare has been interested in doing  
10 exactly that even before the lawsuit was filed. In late 2019, there were communications  
11 between myself and attorney Nate Bingham about setting this matter for an early mediation;  
12 however, as I understand it, in trying to also get SCORE’s participation in a pre-litigation  
13 mediation, SCORE was simply uninterested so plaintiffs moved forward with filing their  
14 complaint in December 2019.

15 3. After a delay due to COVID, the parties have engaged in a substantial course of  
16 discovery including but not limited to depositions, written discovery and motions practice.

17 4. On November 3, 2020, the parties submitted this case to mediation with Seattle  
18 mediator Teresa Wakeen. After a full day with all defendants (King County, SCORE and  
19 NaphCare) participating, the parties remained millions of dollars apart and the case did not  
20 resolve. While Ms. Wakeen did provide some post-mediation assistance, those efforts were  
21 also unsuccessful.

22 5. While there were some informal ongoing settlement discussions, nothing  
23 significant occurred until a second mediation session was held with mediator Thomas Harris of  
24 WAMS. Only the SCORE and NaphCare defendants participated in this mediation, which was  
25 both futile and frustrating, for several reasons. Plaintiffs opening number to NaphCare/SCORE  
26 was actually higher than what had previously been demanded, requiring substantial work on  
27 Mr. Harris’s part to get plaintiffs back to their original settlement figures. In addition, despite

1 NaphCare and SCORE both having a full panopoly of individuals with settlement authority  
2 present for the mediation, neither Jose Marte nor Reynaldo Gil were in attendance.<sup>1</sup> By the  
3 time Mr. Harris was able to have Gil and Marte available, it was late in the day and led to no  
4 further substantive discussions. As Ms. Wakeen did, Mr. Harris provided some post-session  
5 follow up, again without success.

6. In addition to attending the two mediation sessions, the NaphCare defendants  
7 have attempted to revisit settlement discussions with plaintiffs both with and independent of  
8 the mediator, and with a multi-million dollar offer of judgment. Despite these efforts, plaintiffs  
9 have frustrated all attempts by NaphCare to move this case towards settlement.

10. At this time, the NaphCare defendants are left with no other option than to  
11 seek the Court's assistance in attempting to bring this case to a resolution.

12. This Motion is brought in good faith and not for the purpose of delay.

13 **I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE**  
14 **AND ARE BASED ON MY OWN PERSONAL KNOWLEDGE. I**  
15 **UNDERSTAND THAT THIS DECLARATION CAN BE USED AS**  
16 **EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR**  
17 **PERJURY.**

18 DATED this 4th day of November, 2021.

19 */s/ Heidi L. Mandt*  
20 Heidi L. Mandt, WSBA # 26880

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26 <sup>1</sup> Two days prior to the mediation, I underwent a right total knee replacement. Given our interest in trying to  
27 resolve this case, I was present for the mediation session despite my medical situation. If I could attend the  
mediation, plaintiffs certainly could have done so, a point stressed with Mr. Harris to eventually secure their  
attendance.

**CERTIFICATE OF SERVICE**

I hereby certify that on the below date, I caused to be electronically filed the foregoing document with the Clerk of the Court using the eFiling system, which will send notification of such filing to the following:

*Attorneys for Plaintiff:*

*Attorneys for Plaintiff:*

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Signed at Portland, Oregon this 4<sup>th</sup> day of November, 2021.

/s/ Heidi L. Mandt

Heidi L. Mandt, WSBA # 26880

*Attorneys for Defendants NaphCare, Inc.,  
Rebecca Villacorta, Henry Tambe, Nancy  
Whitney, Billie Stockton, Brittany Martin,  
Brooke Wallace, Sally Mukwana, Joan Kosanke,  
and Rita Whitman*